

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A method for producing a commercially appealing gummy stem blight resistant *Cucumis melo* hybrid seed comprising:
crossing a first *Cucumis melo* plant with a second *Cucumis melo* plant to yield a first generation commercially appealing hybrid seed, wherein said first plant is either ~~resistant to a gummy stem blight resistant plant or not resistant to a gummy stem blight non-resistant plant,~~ and ~~the~~ wherein said second plant is ~~resistant to a gummy stem blight resistant plant,~~ said gummy stem blight resistant plant being selected from the group consisting of U.S.D.A. Plant Introduction ("PI") accession PI 157082, PI 511890, PI 482399, PI 482398, and PI 140471, and said gummy stem blight non-resistant plant being selected from the group consisting of Cornell ZPPM 339, TAM Uvalde, UC Topmark, Galia type, Ananas type, and Oro Rico.

Claims 2-17 (cancelled)

18. (currently amended) ~~The method according to claim 1 further~~ A method for producing a commercially appealing gummy stem blight resistant *Cucumis melo* hybrid plant, said method comprising:

~~growing the a~~ growing a first generation hybrid seed according to claim 1 to yield a first generation commercially appealing gummy stem blight resistant *Cucumis melo* hybrid plant.

19. (currently amended) ~~The method according to claim 18 further~~ A method for producing a commercially appealing gummy stem blight resistant *Cucumis melo* hybrid seed, said method comprising:

providing a gummy stem blight resistant *Cucumis melo* hybrid plant produced according to the method of claim 18; and

crossing the hybrid plant with a second *Cucumis melo* plant using germplasm derived from the hybrid plant in a plant breeding program to yield commercially appealing gummy stem blight resistant *Cucumis melo* hybrid seeds.

20. (currently amended) The method according to claim 19, wherein said second *Cucumis melo* plant is derived from a breeding program comprising traditional plant breeding techniques selected from the group consisting of pedigree breeding, selfing, intercrossing, and backcrossing.

21. (currently amended) The method according to claim 20 19, wherein said breeding program comprises tissue culture techniques.

22. (currently amended) A commercially appealing gummy stem blight resistant *Cucumis melo* hybrid seed, prepared by a method comprising:

crossing a first *Cucumis melo* plant with a second *Cucumis melo* plant to yield a first generation commercially appealing hybrid seed, wherein said first plant is either resistant to a gummy stem blight resistant plant or not resistant to a gummy stem blight non-resistant plant, and ~~the wherein said~~ second plant is resistant to a gummy stem blight resistant plant, said gummy stem blight resistant plant being selected from the group consisting of U.S.D.A. Plant Introduction ("PI") accession PI 157082, PI 511890, PI 482399, PI 482398, and PI 140471, and said gummy stem blight non-resistant plant being selected from the group consisting of Cornell ZPPM 339, TAM Uvalde, UC Topmark, Galia type, Ananas type, and Oro Rico.

Claims 23-38 (cancelled)

39. (currently amended) A commercially appealing gummy stem blight resistant *Cucumis melo* hybrid plant, or its parts, produced by the seed of claim 22.

40. (original) Pollen of the hybrid plant according to claim 39.

41. (original) An ovule of the hybrid plant according to claim 39.

42. (currently amended) A tissue culture of regenerable cells of the hybrid plant according to claim 39, wherein ~~the tissue culture regenerates~~ multiple progeny plants able of expressing having all the morphological and physiological characteristics of said hybrid plant are regenerated from said tissue culture of regenerable cells.

43. (original) A gummy stem blight resistant *Cucumis melo* progeny plant, or its parts, regenerated from the tissue culture of claim 42.

Claim 44 (cancelled)

45. (currently amended) A commercially appealing gummy stem blight resistant *Cucumis melo* hybrid plant, prepared by a method comprising:

crossing a first *Cucumis melo* plant with a second *Cucumis melo* plant to yield a first generation commercially appealing hybrid seed, wherein said first plant is either ~~resistant to a gummy stem blight resistant plant or not resistant to a gummy stem blight non-resistant plant,~~ and ~~the~~ wherein said second plant is ~~resistant to a gummy stem blight resistant~~ plant, said gummy stem blight resistant plant being selected from the group consisting of U.S.D.A. Plant Introduction ("PI") accession PI 157082, PI 511890, PI 482399, PI 482398, and PI 140471, and said gummy stem blight non-resistant plant being selected from the group consisting of Cornell ZPPM 339, TAM Uvalde, UC Topmark, Galia type, Ananas type, and Oro Rico; and

growing the first generation commercially appealing hybrid seed to yield a first generation commercially appealing resistant *Cucumis melo* hybrid plant.

Claims 46-61 (cancelled)

62. (original) Pollen of the resistant hybrid plant according to claim 45.

63. (original) An ovule of the resistant hybrid plant according to claim 45.

64. (currently amended) A tissue culture of regenerable cells of the hybrid plant according to claim 45, wherein ~~the tissue culture regenerates multiple progeny plants capable of expressing~~ having all the morphological and physiological characteristics of said hybrid plant are capable of regeneration from said tissue culture of regenerable cells.

65. (original) A gummy stem blight resistant *Cucumis melo* progeny plant, or its parts, regenerated from the tissue culture of claim 64.

Claim 66 (cancelled)

67. (currently amended) Seed of a commercially appealing gummy stem blight resistant *Cucumis melo* breeding line designated NY 01-190-3R, -7L, -9L (composite), a sample of said seed having been deposited under ATCC accession number PTA-3860.

68. (original) A commercially appealing *Cucumis melo* plant, or its parts, produced by the seed of claim 67.

69. (original) Pollen of the plant of claim 68.

70. (original) An ovule of the plant of claim 68.

71. (currently amended) A tissue culture of regenerable cells of the *Cucumis melo* breeding line according to claim 67, wherein ~~the tissue culture regenerates~~ multiple progeny plants ~~capable of expressing~~ having all the morphological and physiological characteristics of said hybrid *Cucumis melo* breeding line are capable of regeneration from said tissue culture of regenerable cells.

72. (original) A tissue culture according to claim 71, wherein the tissue is selected from the group consisting of leaves, pollen, embryos, roots, stems, root tips, anthers, flowers, seeds, and fruit.

73. (currently amended) A commercially appealing *Cucumis melo* plant, or its parts, regenerated from the tissue culture of claim 71 and ~~capable of expressing~~ having all the morphological and physiological characteristics of said *Cucumis melo* breeding line.